

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.8299 OF 2005

Manohar Lanu Gaikwad ...Applicant
Versus
State of Maharashtra ...Respondent

Mr.P.M.Chaurkar for the Applicant.
Mr.R.Y.Mirza A.P.P for the Respondent.

CORAM : S.C. DHARMADHIKARI, J.
DATE : DECEMBER 22, 2005.

P.C.:

1. Heard learned Advocate for the applicant. Perused the application and the annexures thereto. A case of alleged murder, which took place in 1998 is sought to be reopened after seven and half years from the date of the incident. Moreover, as far as the present applicant is concerned deceased Sunita and present applicant were having some relations. Thereafter, she left the house of the applicant and started residing elsewhere. It is alleged that the applicant as well as Raju Korde conspired together and on the relevant date i.e. in 1998 the applicant is supposed to have assaulted her with iron rod and the co-accused Raju has tied her legs and thereafter strangled her. It is not disputed that the co-accused Raju Korde is released on bail. In these circumstances, the applicant is entitled to similar

relief. In the result, following order :

- i) The applicant shall be enlarged on bail in connection with C.R.No.122/2005 registered with Lonavala City Police Station, Lonavala, Dist. Pune subject to furnishing a personal bond of Rs.20,000/- with one or two local sureties in the like amount;
- ii) Bail is granted subject to the condition that the applicant will report to the concerned Police Station once in a week till conclusion of trial;
- iii) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence;
- iv) The applicant shall co-operate with the Trial Court for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

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v) Any observation/s made in this order shall not be constructed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application disposed of in above terms.

(S.C.DHARMADHIKARI, J.)